

House Study Bill 250

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
NATURAL RESOURCES BILL
BY CHAIRPERSON FREEMAN)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to wild animals, by providing for their
2 regulation, providing for fees and appropriations, and
3 providing for penalties.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 2554HC 81
6 da/gg/14

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1 1 Section 1. NEW SECTION. 717F.1 DEFINITIONS.
1 2 As used in this chapter, unless the context otherwise
1 3 requires:
1 4 1. "Animal" means the same as defined in section 717A.1.
1 5 2. "Animal warden" means the same as defined in section
1 6 162.2.
1 7 3. "Conviction" means the same as defined in section
1 8 670A.1.
1 9 4. "Department" means the department of agriculture and
1 10 land stewardship.
1 11 5. "Local governmental entity" means any political
1 12 subdivision, or any state authority which is not the general
1 13 assembly or under the direction of a principal central
1 14 department as enumerated in section 7E.5, and which includes a
1 15 city as defined in section 362.2, a county as provided in
1 16 chapter 331, or any special purpose district.
1 17 6. "Local legislation" means any ordinance, motion,
1 18 resolution, amendment, regulation, or rule adopted by a local
1 19 governmental entity.
1 20 7. "Microchip" means an integrated circuit or
1 21 microprocessor, commonly referred to as a computer chip,
1 22 which, when implanted under the skin of an animal or otherwise
1 23 affixed to the animal as provided in section 717F.4, is
1 24 designed to store information regarding an animal or the
1 25 animal's owner in a digital format for access by a computer
1 26 peripheral such as a scanner.
1 27 8. "Possess" means to own, keep, harbor, or control an
1 28 animal, or supervise or provide for the care and feeding of
1 29 any animal, including any activity relating to confining,
1 30 handling, breeding, transporting, or exhibiting the animal.
1 31 9. a. "Wild animal", for animals of the class mammalia,
1 32 means any of the following:
1 33 (1) Of the order ariodactyla, a member of the family
1 34 hippopotamidae, and which includes hippopotami.
1 35 (2) Of the order carnivora, any of the following:
2 1 (a) A member of the family canidae other than domestic
2 2 dogs, and which includes but is not limited to wolves,
2 3 coyotes, and jackals.
2 4 (b) A member of the family felidae other than domestic
2 5 cats, and which includes but is not limited to lions, tigers,
2 6 cougars, leopards, cheetahs, ocelots, and servals.
2 7 (c) Any member of the family hyaenidae, which includes
2 8 hyenas.
2 9 (d) Any member of the family ursidae, which includes bears
2 10 and pandas.
2 11 (3) Of the order perissodactyla, which is a member of the
2 12 family rhinocerotidae which includes rhinoceroses; a member
2 13 of the family tapiridae which includes tapirs; and the family
2 14 equidae which is member of the species equus quagga, equus
2 15 zebra, or equus grevyi and which includes zebras. A member
2 16 does not include a member of the species equus caballus
2 17 including any horse, a member of the species equus asinus

including any donkey, or any hinny or mule.

(4) Of the order of primates other than humans, any member of the following families: callitrichiadae, cabidae, cercopithecidae, cheirogaleidae, daubentoniidae, galagonidae, hominidae, hylobatidae, indridae, lemuridae, loridae, megaladapidae, or tarsiidae. A member includes but is not limited to marmosets, tamarins, monkeys, lemurs, galagos, bushbabies, great apes, gibbons, lesser apes, indris, sifakas, and tarsiers.

(5) Of the order proboscidae, any member and which includes elephants.

b. "Wild animal", for animals of the class reptilian, means any of the following:

(1) Of the order squamata, any of the following:

(a) Only a member of the family varanidae which is limited to water monitors and crocodile monitors.

(b) A member of the family atractaspidae and genus atractaspis which includes but is not limited to mole vipers or stiletto snakes; a member of the family heleodermatidae and genus heloderma including but not limited to Mexican beaded lizards and gila monsters.

(2) Of the order crocodylidae, a member of any family including but not limited to alligators, caimans, crocodiles, gavials, and gharials.

(3) Any member of a family, if the member is venomous, including but not limited to an adder, asp, bushmaster, cobra, copperhead, coral snake, cottonmouth, copperhead, death adder, keelback snake, puff adder, mamba, or rattlesnake.

(4) A member of the family boidae which is limited to anacondas, reticulated pythons, and African rock pythons.

c. "Wild animal" includes an animal which is the offspring of an animal referred to in paragraph "a" or "b", a hybrid of the union, or animals which are the offspring of each subsequent generation. However, a "wild animal" does not include the offspring of a wolf and a dog, a hybrid of the union, or a subsequent generation.

10. "Wildlife sanctuary" means an organization exempt from taxation pursuant to section 501(c) of the Internal Revenue Code that operates a place of refuge where abused, neglected, unwanted, impounded, abandoned, orphaned, or displaced wild animals are provided care for their lifetime, if all of the following apply:

a. The organization does not buy, sell, trade, auction, lease, loan, or breed any animal of which the organization is an owner, except as an integral part of the species survival plan of the American zoo and aquarium association.

b. The organization is accredited by the American sanctuary association, the American zoo and aquarium association, or the association of sanctuaries.

Sec. 2. NEW SECTION. 717F.2 ADMINISTRATION AND ENFORCEMENT.

1. The department and law enforcement officials employed by local governmental entities shall administer and enforce the provisions of this chapter. The department shall adopt rules as provided in chapter 17A for the administration and enforcement of this chapter.

2. An animal warden shall assist the department or a local governmental entity in seizing or confiscating and maintaining custody of wild animals.

Sec. 3. NEW SECTION. 717F.3 POSSESSION OF A WILD ANIMAL == PROHIBITIONS AND REQUIREMENTS.

1. Except as otherwise provided in this chapter, a person shall not do any of the following:

a. Possess a wild animal, including by having the wild animal in the person's control or custody.

b. Breed a wild animal with another animal.

c. Transport or cause to be transported a wild animal into this state.

2. A person shall not possess a wild animal if the person has falsified a permit application filed as required by section 717F.5.

3. A person shall not release a wild animal.

4. If a person who possesses a wild animal is no longer able to care for the wild animal, the person shall notify the department and find long-term placement for the wild animal with a wildlife sanctuary.

Sec. 4. NEW SECTION. 717F.4 PERSONS POSSESSING WILD ANIMAL ON THE EFFECTIVE DATE OF THIS ACT.

A person eighteen years of age or older who possesses a wild animal on the effective date of this Act may continue to possess the wild animal subject to all of the following:

4 29 1. The person was in legal possession of the wild animal
4 30 prior to the effective date of this Act and has had
4 31 uninterrupted possession of the wild animal on and after the
4 32 effective date of this Act.

4 33 2. Within sixty days from the effective date of this Act,
4 34 the person must have a microchip implanted beneath the skin of
4 35 the wild animal, unless a licensed veterinarian certifies in
5 1 writing that the implantation would endanger the comfort or
5 2 health of the wild animal. In such case, a microchip may be
5 3 otherwise attached to the wild animal by being inserted into
5 4 an ear tag which is affixed to the wild animal.

5 5 3. The person has not been subject to state action as
5 6 follows:

5 7 a. The person has not been convicted or found liable for
5 8 violation of local legislation prohibiting cruelty, neglect,
5 9 or mistreatment of an animal.

5 10 b. The person has not been convicted of a violation of
5 11 livestock abuse under section 717.1A or livestock neglect
5 12 under section 717.2, or a court has not ordered the
5 13 disposition of neglected livestock in the person's custody as
5 14 provided in section 717.5.

5 15 c. The person has not been convicted of a violation of
5 16 animal abuse under section 717B.2, animal neglect under
5 17 section 717B.3, animal torture under section 717B.3A, or a
5 18 court has not ordered the disposition of a rescued animal in
5 19 the person's custody as provided in section 717B.4.

5 20 d. The person has not been convicted of bestiality under
5 21 section 717C.1.

5 22 e. The person has not been convicted of an offense
5 23 relating to a contest event as provided in section 717D.2.

5 24 f. The person has not been convicted of advertising or
5 25 awarding a pet as a prize in violation of section 717E.2.

5 26 g. The person has not been convicted of an offense under
5 27 this chapter.

5 28 4. The person has not been convicted of any of the
5 29 following:

5 30 a. A felony for the previous ten years.

5 31 b. An offense involving illegal manufacture, use,
5 32 possession, sale, or an attempt to illegally manufacture, use,
5 33 possess, or sell a controlled substance as defined in section
5 34 124.101.

5 35 5. The person must be issued a permit by the department as
6 1 provided in section 717F.5.

6 2 Sec. 5. NEW SECTION. 717F.5 PERMIT ISSUANCE.

6 3 1. A person shall not possess a wild animal unless the
6 4 department issues the person a permit according to rules
6 5 adopted by the department. A permit shall authorize a person
6 6 issued the permit to possess a wild animal according to the
6 7 terms and conditions of the permit.

6 8 2. A person must apply to the department for a permit
6 9 using a form prepared by the department. The person must
6 10 submit an application to the department on a biannual basis
6 11 not later than July 1. The application form shall include
6 12 room for all of the following information which must be
6 13 provided by the registrant:

6 14 a. The person's name, address, and telephone number.

6 15 b. A verification that the person is at least eighteen
6 16 years of age.

6 17 c. The person's sworn affidavit that the person has not
6 18 been subject to state action involving the welfare of an
6 19 animal or a conviction involving a felony or controlled
6 20 substance as provided in this section.

6 21 d. A complete inventory of each wild animal that the
6 22 person possesses. The inventory shall include all of the
6 23 following information:

6 24 (1) The number of wild animals in the person's possession
6 25 according to species.

6 26 (2) The approximate age, sex, color, weight, scars, and
6 27 any distinguishing marks of each wild animal.

6 28 (3) A recent photograph of each wild animal.

6 29 (4) The name, address, and telephone number of the
6 30 licensed veterinarian providing care to each wild animal. The
6 31 registration shall include a statement by the licensed
6 32 veterinarian certifying that each wild animal is in good
6 33 health.

6 34 (5) The manufacturer and manufacturer's number of the
6 35 microchip implanted beneath the skin or attached to each
7 1 animal as provided in this section.

7 2 (6) The location where each wild animal is kept. A person
7 3 who possesses a wild animal must notify the department in
7 4 writing within ten days of a change in address or location

7 5 where the wild animal is kept.

7 6 The department may charge an application fee which shall
7 7 not exceed five hundred dollars for each animal in the
7 8 person's possession. The department is appropriated and may
7 9 retain moneys collected in registration fees for the
7 10 administration and enforcement of this chapter.

7 11 Sec. 6. NEW SECTION. 717F.6 PERMIT CONDITIONS ==
7 12 REVOCATION OR MODIFICATION.

7 13 1. A person who possesses a wild animal pursuant to a
7 14 permit issued by the department pursuant to section 717F.5
7 15 shall comply with all of the following:

7 16 a. The person shall maintain health and ownership records
7 17 for each wild animal in the person's possession for the life
7 18 of the wild animal.

7 19 b. The person shall confine each wild animal on the
7 20 person's premises as required by the department. The person
7 21 shall not allow a wild animal outside of the person's premises
7 22 unless the wild animal is moved for any of the following:

7 23 (1) To receive veterinary care from a licensed
7 24 veterinarian.

7 25 (2) To comply with the directions of the department or an
7 26 animal warden.

7 27 c. The person shall display at least one sign on the
7 28 person's premises where a wild animal is kept warning the
7 29 public that the wild animal is confined there. The sign shall
7 30 include a symbol warning children of the presence of the wild
7 31 animal.

7 32 d. The person shall immediately notify an animal warden or
7 33 other local law enforcement official of any escape of a wild
7 34 animal.

7 35 2. The department may revoke a permit if a person violates
8 1 a term or condition of a permit or a provision of this
8 2 chapter. The department may modify a term or condition of a
8 3 permit if any of the following apply:

8 4 a. To make the permit conform to a rule adopted by the
8 5 department.

8 6 b. In response to any of the following:

8 7 (1) A violation of a provision of this chapter or a
8 8 condition of the permit.

8 9 (2) A failure to meet approved care and husbandry
8 10 practices as provided in rules adopted by the department. The
8 11 rules shall be based on guidelines recommended by consultants
8 12 of the American zoo and aquarium association.

8 13 3. The department's decision to revoke or modify a permit
8 14 shall be deemed a contested case proceeding under chapter 17A.
8 15 The permitted person shall retain custody of the wild animal
8 16 until the department's final agency action. However, the
8 17 department may temporarily remove the wild animal prior to a
8 18 hearing as provided in section 17A.18A, if the department
8 19 determines that the wild animal's health or welfare may be
8 20 compromised or public safety may be jeopardized. The
8 21 department may place the wild animal in the custody of any of
8 22 the following:

8 23 a. An incorporated humane society.

8 24 b. A licensed veterinarian.

8 25 c. A state agency or local governmental entity which has
8 26 the capability to care for the wild animal.

8 27 d. A person who has been issued a permit under section
8 28 717F.5.

8 29 e. A person who is exempt from this chapter as enumerated
8 30 in section 717F.8.

8 31 Sec. 7. NEW SECTION. 717F.7 CONFISCATION AND
8 32 DISPOSITION.

8 33 1. The department or law enforcement official of a local
8 34 governmental entity may confiscate a wild animal which is
8 35 possessed in violation of this chapter, including a condition
9 1 of a permit issued pursuant to section 717F.6. A court in the
9 2 county where the wild animal is kept shall order the
9 3 disposition of the wild animal in the same manner as provided
9 4 for the disposition of an animal pursuant to section 717B.4.
9 5 The person possessing the wild animal shall have the same
9 6 procedural rights as the owner of an animal under that
9 7 section.

9 8 2. The department or local governmental entity may dispose
9 9 of a wild animal that it has confiscated as follows:

9 10 a. The department or local governmental entity may
9 11 transfer the wild animal to any of the following:

9 12 (1) An institution accredited by the American zoo and
9 13 aquarium association.

9 14 (2) A wildlife sanctuary.

9 15 (3) A licensed or accredited facility where the wild

9 16 animal is to be kept for educational or scientific purposes,
9 17 including a research facility as defined in section 162.2.
9 18 The facility must be inspected and approved by the department.
9 19 3. The department or a local governmental entity shall
9 20 destroy a wild animal that is permanently distressed by
9 21 disease or injury to a degree that would result in severe and
9 22 prolonged suffering to the wild animal. The department or
9 23 local governmental entity shall destroy the animal by
9 24 euthanasia as defined in section 162.2.

9 25 Sec. 8. NEW SECTION. 717F.8 EXEMPTIONS.

9 26 This chapter does not apply to any of the following:

- 9 27 1. An institution accredited by the American zoo and
9 28 aquarium association.
- 9 29 2. A wildlife sanctuary.
- 9 30 3. A licensed or accredited facility where the wild animal
9 31 is to be kept for educational or scientific purposes,
9 32 including a research facility as defined in section 162.2.
9 33 The facility must be inspected and approved by the department.
- 9 34 4. A location operated by a person licensed to practice
9 35 veterinary medicine pursuant to chapter 169.
- 10 1 5. A pound as defined in section 162.2.
- 10 2 6. An animal shelter as defined in section 162.2.
- 10 3 7. A person temporarily transporting a wild animal through
10 4 this state if the transit time is not more than ninety-six
10 5 hours and the wild animal is at all times maintained within a
10 6 confinement sufficient to prevent the wild animal from
10 7 escaping.

10 8 Sec. 9. NEW SECTION. 717F.9 LIABILITY.

- 10 9 1. A person who possesses a wild animal is strictly liable
10 10 for any damages or injury incurred by a person resulting from
10 11 an act by the wild animal.
- 10 12 2. A person who intentionally releases a wild animal in
10 13 violation of section 717F.3 is liable for all expenses related
10 14 to the capture of the wild animal.

10 15 Sec. 10. NEW SECTION. 717F.10 PENALTIES.

- 10 16 1. A person who violates a provision of this chapter is
10 17 subject to a civil penalty of not less than two hundred
10 18 dollars and not more than two thousand dollars for each animal
10 19 which is the subject of the violation. Each day that a
10 20 violation continues shall be considered a separate offense.
- 10 21 2. a. Except as provided in paragraph "b", a person who
10 22 violates a provision of this chapter is guilty of a serious
10 23 misdemeanor.
- 10 24 b. A person who intentionally releases a wild animal in
10 25 violation of section 717F.3 is guilty of an aggravated
10 26 misdemeanor.

10 27 Sec. 11. NOTIFICATION. A person who possesses a wild
10 28 animal shall notify the department of agriculture and land
10 29 stewardship within sixty days after the effective date of this
10 30 Act of all information required to be submitted as part of an
10 31 application for a permit under this Act.

10 32 EXPLANATION

10 33 This bill creates a new Code chapter 717F, which regulates
10 34 the possession of wild animals which are defined to include
10 35 hippopotami, wolves, coyotes, and jackals, bears and pandas,
11 1 tapirs, zebras, marmosets, tamarins, monkeys, lemurs, galagos,
11 2 bushbabies, great apes, gibbons, lesser apes, indris, sifakas,
11 3 and tarsiers, water monitors, crocodile monitors, alligators,
11 4 caimans, crocodiles, gavials, and gharials, and venomous
11 5 snakes such as adders, asps, bushmasters, cobras, copperheads,
11 6 coral snakes, cottonmouths, copperheads, death adders,
11 7 keelback snakes, puff adders, mambas, or rattlesnakes, and
11 8 certain boas and pythons.

11 9 The department of agriculture and land stewardship is
11 10 charged with administering the bill's provisions, with local
11 11 governmental entities. Generally, the bill makes it a
11 12 criminal offense to possess a wild animal, with certain
11 13 exceptions. The bill specifically allows a person to possess
11 14 a wild animal if the person has possession of the wild animal
11 15 on the effective date of the bill. The person has 60 days in
11 16 order to have a microchip implanted beneath the skin or
11 17 attached to a tag affixed to the ear of the wild animal. The
11 18 person cannot have been subject to state action involving the
11 19 abuse or neglect of an animal. The person cannot have been
11 20 convicted of a felony in the previous 10 years or been
11 21 convicted of any offense involving a controlled substance.
11 22 The bill also requires that the person apply to the department
11 23 and obtain a permit issued by the department.

11 24 The bill provides for the seizure, custody, and disposal of
11 25 a wild animal which is kept in violation of the bill's
11 26 provisions, including the terms and conditions of a permit.

11 27 The department may take an administrative action and
11 28 temporarily seize the wild animal. However, a court must
11 29 order the permanent confiscation of a wild animal and the
11 30 hearing must occur on an expedited basis.

11 31 The bill provides for the disposition of a wild animal that
11 32 it has confiscated. It provides that the department or local
11 33 governmental entity may transfer the wild animal to an
11 34 organization or institution which provides care for such
11 35 animals such as an institution accredited by the American zoo
12 1 and aquarium association or a wildlife sanctuary.

12 2 The bill exempts a number of persons from its provisions,
12 3 namely, an institution accredited by the American zoo and
12 4 aquarium association, a wildlife sanctuary, a research
12 5 facility, a location operated by a veterinarian, a pound, or
12 6 an animal shelter. It also exempts a person who is
12 7 temporarily transporting a wild animal through the state.

12 8 A person who possesses a wild animal is strictly liable for
12 9 any damages or injury incurred by a person resulting from an
12 10 act by the wild animal. A person who intentionally releases a
12 11 wild animal in violation of the bill is liable for all
12 12 expenses related to the wild animal's capture.

12 13 The bill also requires that a person who possesses a wild
12 14 animal must provide the department with information about the
12 15 person and wild animal within 60 days of the enactment of the
12 16 Act.

12 17 A person who violates a provision of the bill is subject to
12 18 a civil penalty of not less than \$200 and not more than \$2,000
12 19 for each animal which is the subject of the violation. Each
12 20 day that a violation continues is considered a separate
12 21 offense. Generally, a person who violates a provision of the
12 22 bill is guilty of a serious misdemeanor. However, a person
12 23 who intentionally releases a wild animal is guilty of an
12 24 aggravated misdemeanor. A serious misdemeanor is punishable
12 25 by confinement for no more than one year and a fine of at
12 26 least \$250 but not more than \$1,500. An aggravated
12 27 misdemeanor is punishable by confinement for no more than two
12 28 years and a fine of at least \$500 but not more than \$5,000.

12 29 LSB 2554HC 81
12 30 da:rj/gg/14